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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,708	08/18/2003	Jason Werning	35650	4369
116 7590 01/29/2007 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER GLUCHOWSKI, KRISTINA R	
			ART UNIT	PAPER NUMBER
			3676	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/642,708

Applicant(s)

WERNING, JASON

Examiner

Kristina R. Gluchowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/18/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 15-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 20, 2006.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the vertical sealing area of the vertical gasket in claim 5 and the aperture of claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: inlets 205, page 5, line 27.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the

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brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim(s) contains subject matter which was not described in the specification. It is unclear what the "vertical sealing area" is in claim 5. For examination purposes, the "vertical sealing area" has been interpreted "as best understood" to mean the vertical surface of the gasket.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

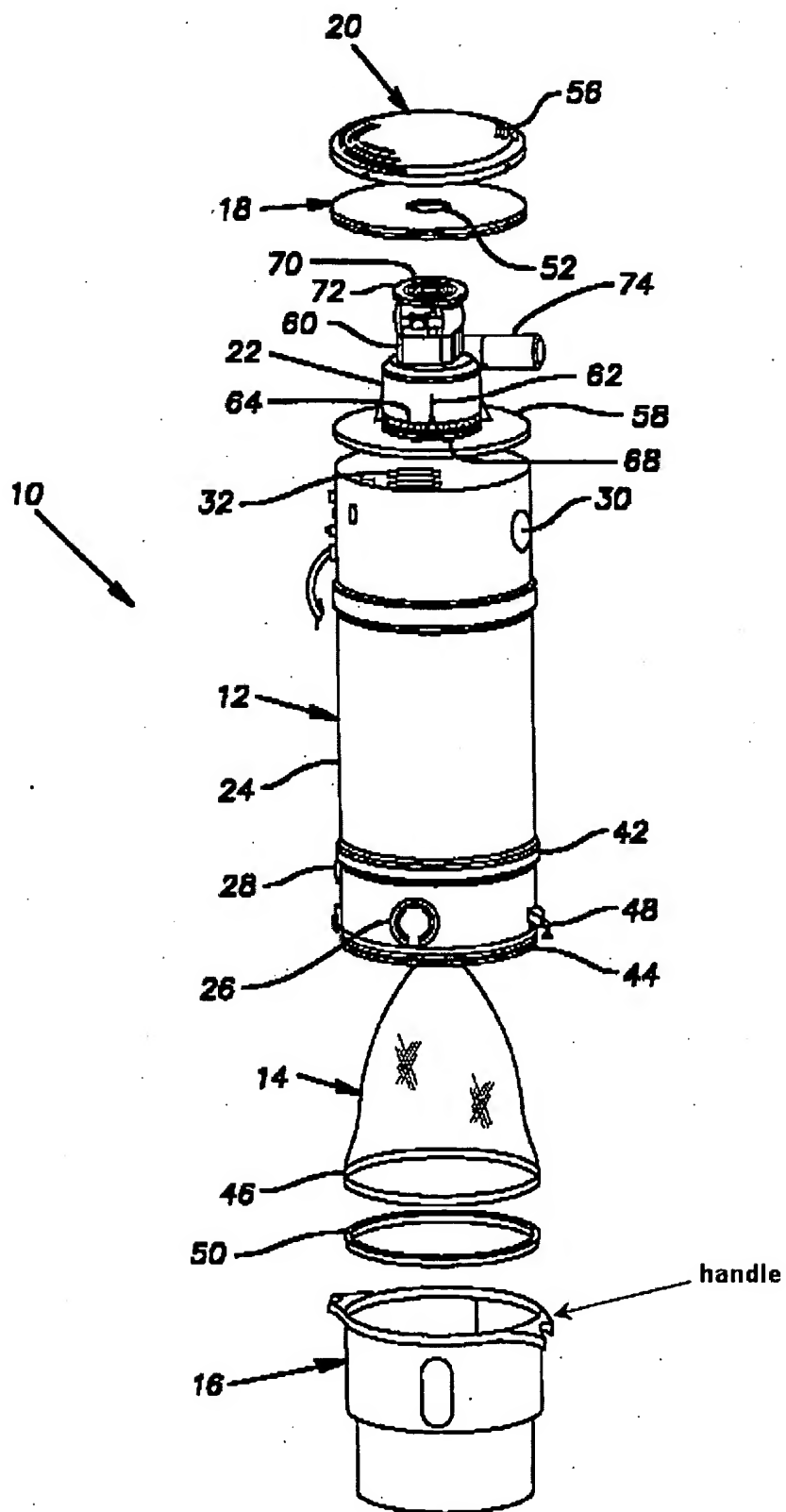
7. Claims 1, 5, 8 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Fritz et al (US 5813085). Regarding claims 1, 19 and 21, Fritz shows a locking mechanism for a central vacuum system comprising a twist-lock latch (48) configured to receive a handle (see illustration below) of a debris receptacle (16), and a vertical gasket (50) to facilitate an airtight seal between the debris receptacle and a canister (12) of the central vacuum system. The examiner would like to note that a "twist-lock latch" could be any latch. The term "twist-lock" is considered a label in claim 1 since no further structure of the twist lock latch is claimed.

8. Regarding claim 5, the vertical gasket comprises a vertical sealing area "as best understood".

9. Regarding claim 8, the vertical gasket includes a bead roll (see illustration below; lower portion of gasket), the diameter of the bead roll corresponding with a groove (44) formed in an exterior surface of the canister (column 3, lines 30-32).

10. Regarding claim 20, Fritz shows two latches (48) on opposing sides of the canister (see figure 1). See the Fritz device below.

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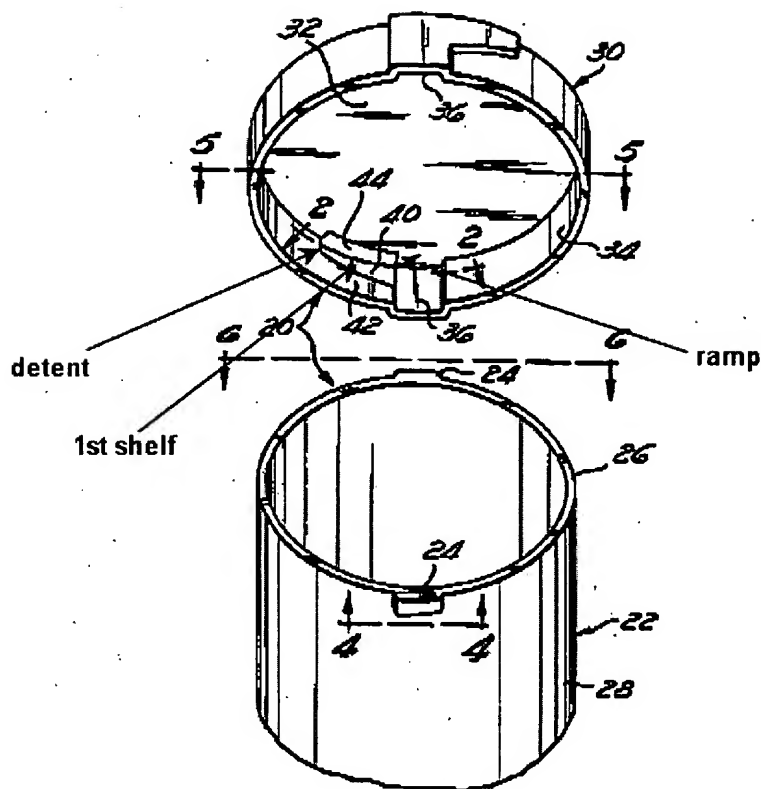


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11. Claims 9, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartz (US 4279355). Regarding claim 9, Schwartz shows a twist-lock latch comprising a first shelf portion (see illustration below) and a stop detent (see illustration below). The examiner would like to note that "for use in a locking mechanism of a central vacuum system" does not positively claim the combination of the twist-lock latch and the vacuum. "For use" is merely intended use of the structurally claimed apparatus. The claimed structural limitations are met and therefore Schwartz discloses the claimed invention.

12. Regarding claim 11, Schwartz shows a contoured ramp configured to guide the handle into place (see illustration below).

13. Regarding claim 13, the twist-lock latch has no moving parts. See the Schwartz device below.



### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fritz. Regarding claims 6 and 7, Fritz shows the applicant's basic inventive concept of a vertical gasket (50) having horizontal ribs around the periphery portion of the gasket to facilitate reduced friction and drag during engagement



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and disengagement of the locking mechanism. Fritz fails to show a plurality of ribs. Fritz shows a single rib around the top edge of the gasket. It would have been obvious to one of ordinary skill in the art to include a plurality of ribs around the gasket to increase the sealing capacity of the gasket. It has been held that duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

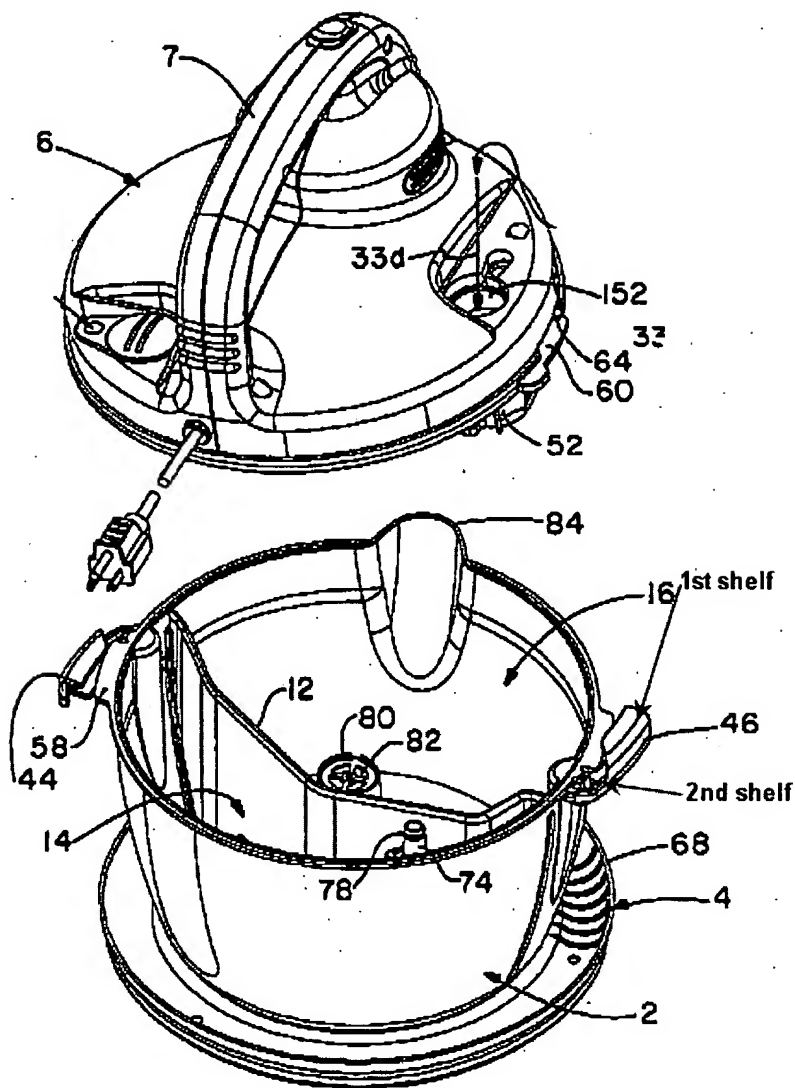
16. Claims 2-4, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fritz in view of Schwartz. Fritz shows the applicant's basic inventive concept but fails to show a locking mechanism comprising a contoured ramp and stop detent. Schwartz shows this to be well known in the latch art.

17. Regarding claim 2, Schwartz shows a twist-lock latch mechanism comprising a handle portion (24) and a contoured ramp (see illustration above) to guide the handle portion into place. Regarding claim 3, the twist-lock latch of Schwartz comprises a stop detent (see illustration above, edge of groove 40). Regarding claim 4, the twist-lock latch of Schwartz does not include moving parts. It would have been obvious to one of ordinary skill in the art to replace the Fritz latch with the latch of Schwartz since it is considered to be within the level of ordinary skill to exchange one latching means for another. Both latching means accomplish sealing a top portion to a canister. Replacing the Fritz latch with the Schwartz latch would increase ease of use for the device in that the latching and unlatching motion would be reduced to a simple rotation as opposed to holding the canister in place and snapping each latch separately.

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18. Regarding claim 14, Fritz in view of Schwartz, Fritz shows a handle (see above illustration) having a notch formed in the center.

19. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz as applied to claim 9 in view of Crouser (US 6108860). Schwartz fails to show a second shelf portion. Crouser shows that this is well known the art. Crouser shows a latch attaching the debris receptacle (2) to the upper portion (6) wherein the latch has a first and second shelf portion (see illustration below). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include a second shelf portion to prevent damage to the gasket as a result of repetitive use of the latch. The examiner would like to note that because the structural limitations are met, the Schwartz device is capable of performing the claimed functional limitations (ie. to provide clearance for a gasket). See the Crouser device below.



20. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz as applied to claim 9 above in view of Buss (US 6347430). Schwartz shows the applicant's basic inventive concept but fails to show an aperture for coupling the latch to the canister. Buss shows that this is well known in the art. Buss shows a canister (12) coupled to a top portion (28) by latches (102)

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fastened by screws (104) (see column 7, lines 35-40). It would have been obvious to one of ordinary skill in the art to attach the latches to the canister via aperture and screw as shown by Buss to allow replacement of the latch if ever broken.

### ***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Khalil (US 2006/0156508) and Zephir (US 2006/0191938) show canisters having twist-lock latches.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina R. Gluchowski whose telephone number is 571-272-7376. The examiner can normally be reached on Monday-Friday, 7am-4:30pm, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KRG *KRG*  
January 23, 2007

  
BRIAN E. GLESSNER  
SUPERVISORY PATENT EXAMINER